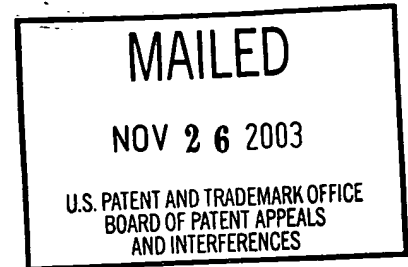


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ALAN G. BARBOUR and
CATHERINE J. LUKE

Appeal No. 2003-1082
Application No. 08/588,637



Before HARKCOM, Acting Chief Administrative Patent Judge, and WINTERS and
WILLIAM F. SMITH, Administrative Patent Judges.

WILLIAM F. SMITH, Administrative Patent Judge.

REMAND TO THE EXAMINER



Our consideration of the record leads us to conclude that this case is not in
condition for a decision on appeal. Accordingly, we remand the application to the
examiner to consider the following issues and take appropriate action.

The examiner entered an Examiner's Answer on August 7, 2002 (Paper No. 28).
In response, appellants filed a Reply Brief received at the USPTO on September 3,
2002 (Paper No. 30) that contains Exhibits A-E and a showing under 37 CFR § 1.195.

The examiner issued a "Communication" on December 23, 2002, stating the
Reply Brief had been entered and that the case would be forwarded to the board. In
entering the Reply Brief, the examiner presumably accepted appellants' showing under
37 CFR § 1.195 and entered and considered the exhibits.

We state that we are authorizing a Supplemental Examiner's Answer under 37 CFR § 1.193(b)(1) if otherwise appropriate.

REMANDED

)	
Sherman D. Winters)	BOARD OF PATENT
Administrative Patent Judge)	
)	APPEALS AND
)	
William F. Smith)	INTERFERENCES
Administrative Patent Judge)	

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